

by  $\frac{1}{4}$  (.25) inch wide gauge to slip into the opening.

(ii) *Not split on suture* means shells are split other than on the suture and will allow an  $\frac{18}{1000}$  (.018) inch thick by  $\frac{1}{4}$  (.25) inch wide gauge to slip into the opening.

(iii) *Adhering hull material* means an aggregate amount covers more than one-eighth of the total shell surface, or when readily noticeable on dyed shells.

(iv) *Light stained* on raw or roasted nuts, means an aggregate amount of yellow to light brown or light gray discoloration is noticeably contrasting with the predominate color of the shell and affects more than one-fourth of the total shell surface or, on dyed nuts, when readily noticeable.

(v) *Dark stained* on raw or roasted nuts, means an aggregate amount of dark brown, dark gray or black discoloration affects more than one-eighth of the total shell surface, or, on dyed nuts, when readily noticeable, provided that speckled appearing stain located within the area of one-fourth of the shell nearest the stem end shall be disregarded.

(e) *Internal (kernel) defects* means any blemish affecting the kernel. Such defects include, but are not limited to evidence of insects, immature kernels, rancid kernels, mold, or decay.

(1) *Damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(1)(i) through (ii) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot. (For tolerances see §51.2544, Table II.)

(i) *Immature kernels* are excessively thin or when a kernel fills less than three-fourths, but not less than one-half the shell cavity.

(ii) *Kernel spotting* refers to dark brown or dark gray spots aggregating more than one-eighth of the surface of the kernel.

(2) *Serious damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(2)(i) through (v) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any

combination of defects, which seriously detracts from the appearance or the edible or the marketing quality of the individual kernel or of the lot. (For tolerances see §51.2544, Table II.)

(i) *Minor insect or vertebrate injury* means the kernel shows conspicuous evidence of feeding.

(ii) *Insect damage* is an insect, insect fragment, web or frass attached to the kernel. No live insects shall be permitted.

(iii) *Mold* which is readily visible on the shell or kernel.

(iv) *Rancidity* means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(v) *Decay* means one-sixteenth or more of the kernel surface is decomposed.

(f) *Other defects* means defects which cannot be considered internal defects or external defects. Such defects include, but are not limited to shell pieces, blanks, foreign material or particles and dust. The following shall be considered other defects. (For tolerances see §51.2544, Table III.)

(1) *Shell pieces* means open in-shell nuts not containing a kernel, half shells or pieces of shell which are loose in the sample.

(2) *Blank* means a non-split shell not containing a kernel or containing a kernel that fills less than one-half the shell cavity.

(3) *Foreign material* means leaves, sticks, loose hulls or hull pieces, dirt, rocks, insects or insect fragments not attached to nuts, or any substance other than pistachio shells or kernels. Glass, metal or live insects shall not be permitted.

(4) *Particles and dust* means pieces of nut kernels which will pass through a  $\frac{5}{64}$  inch round opening.

(5) *Undersize* means pistachio nuts in the shell which fall through a  $\frac{39}{64}$  inch round hole screen.

[68 FR 50684, Aug. 22, 2003]

**§51.2548. Average moisture content determination.**

(a) Determining average moisture content of the lot is not a requirement of the grades, except when nuts are specified as "very well dried." It may

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be carried out upon request in connection with grade analysis or as a separate determination.

(b) Nuts shall be obtained from a randomly drawn composite sample. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not officially approved may be reported and shall include a description of the method or device and the owner of any equipment used.

[68 FR 50685, Aug. 22, 2003]

**§ 51.2549 Metric conversion table.**

Use the following table for metric conversion:

Inches	Millimeters
5/64 .....	1.98
18/100 .....	.46
1/4 .....	6.35
30/64 .....	11.88
Ounces	Grams
1 .....	28.35
2 .....	56.70

[68 FR 50685, Aug. 22, 2003]

**Subpart—United States Standards for Grades of Shelled Pistachio Nuts**

SOURCE: 55 FR 28747, July 13, 1990, unless otherwise noted.

**§ 51.2555 General.**

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, salted or salted/roasted pistachio kernels.

[55 FR 28747, July 13, 1990, as amended at 68 FR 50685, Aug. 22, 2003]

**§ 51.2556 Grades.**

(a) “U.S. Fancy,” “U.S. Extra No. 1,” and “U.S. No. 1” consist of pistachio kernels which meet the following requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

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(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

(i) Immature kernels;

(ii) Kernel spotting; and

(iii) Other defects.

(4) Free from serious damage by:

(i) Mold;

(ii) Minor insect or vertebrate injury;

(iii) Insect damage;

(iv) Rancidity;

(v) Decay; and,

(vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Jumbo Whole Kernels (See § 51.2559).

(b) [Reserved]

[68 FR 50685, Aug. 22, 2003]

**§ 51.2557 Tolerances.**

(a) In order to allow for variations incident to proper grading and handling, the tolerances, by weight, in Table I are provided.

TABLE 1—TOLERANCES

Factor (tolerances by weight)	U.S. fancy (percent)	U.S. extra No. 1 (percent)	U.S. No. 1 (percent)
(a) Damage .....	2.0	2.5	3.0
(b) Serious Damage (Minor Insect or Vertebrate Injury, Mold, Rancid, Decay) ..	1.5	2.0	2.5
(1) Insect Damage, included in (b) .....	.3	.4	.5
(c) Foreign Material	.03	.05	.1

[55 FR 28747, July 13, 1990; 55 FR 29938, July 23, 1990, as amended at 68 FR 50685, Aug. 22, 2003; 69 FR 76835, Dec. 23, 2004]

**§ 51.2558 Application of tolerances.**

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.